

NO. 86-56701
(CONSOLIDATED WITH CAUSE NO. 88-61187)

EL JARDIN PROPERTY OWNERS §
ASSOCIATION §
PLAINTIFF §
VS. §
MARY LOUISE KENNEDY WEIGE, ET AL §
DEFENDANTS §

IN THE DISTRICT COURT OF 101 County
HARRIS COUNTY, TEXAS
113TH JUDICIAL DISTRICT 92

File No. *Sketch File*
EL JARDIN JUDGEMENT
GARRY MAURO, Clerk
1-1
Howard

P-22
(6) at

AGREED FINAL JUDGMENT

BE IT REMEMBERED that on the 26th day of December, 1991, this case was called on for trial on the docket of this Court. As the parties have filed various original, counter, cross, and third party claims against one another, they are simply referred to by name, as follows: EL JARDIN COMMUNITY ASSOCIATION, f/k/a EL JARDIN PROPERTY OWNERS ASSOCIATION, J. D. "DOUG" CHERRY, PATTY FREDERICK, FRANKLIN FREDERICK, EDWARD DeJON, ALLAN WARD, JOE SKELLY, RUTH LANGE, PAT BRYANT, MARY ANNE WALKER, N.E. ("EARL") LORINO, VIRGINIA HAHN, JAMES WILLIAM ("JIM") DAVIS, WALTER E. BATES, JR., and DANIEL H. ANDERSON, appeared by their attorney of record, EUGENE J. PITMAN. MARY LOUISE KENNEDY WEIGE, MARY LYNN KENNEDY, DONNA KENNEDY STORMS LeBHERZ, CAROLYN MAY KENNEDY, and WILLIAM DONALD ("W.D.") KENNEDY, appeared by their attorney of record JOHN W. WHEAT. WILLIAM RONALD KENNEDY, PRO SE ^{having filed an} ~~was noticed for trial~~ ^{ly}

V6459 P0437

~~but wholly failed to appear and made default as to any issue in appearance herein and disclaimed any interest in the subject property did not appear.~~

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by [unclear]
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RECORDER'S MEMORANDUM
This instrument is of poor quality and not satisfactory for photographic recordation, and/or alterations were present at the time of filing.

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~~controversy.~~ KAREN KENNEDY BROWN appeared by her attorney of record, DAVID H. BROWN. The City of Pasadena, Texas, a Home rule municipal corporation and political subdivision of the State of Texas appeared by its attorney of record, LEE CLARK. State of Texas-Harris County appeared by its attorney of record, GARY A. McCOY, Assistant County Attorney. The State of Texas appeared by its attorney of record, PRISCILLA M. HUBENAK, Assistant Attorney General. City of Houston, ~~appeared by its attorney of record, JOYCE LANGENECKER.~~ Clear Creek Independent School District appeared by its attorney of record, TERRY G. WISEMAN.

having taken a non-suit herein, did not appear.

On this 26th day of December, 1991, all parties announced to the Court, in open Court and entered of record that they had entered a stipulation and agreement as to certain matters in controversy in this cause and do hereby stipulate and agree as follows:

1. The State of Texas ("State"), through Dan Morales, Attorney General, by authority under Section 33.172 of the Texas Natural Resources Code, has expressly waived venue in Travis County, and consented to venue in Harris County in this Suit.

2. The real property at issue in this action is all those areas in EL JARDIN, BAYSHORE ADDITION, a subdivision in Pasadena, Harris County, Texas, according to the map or plat thereof recorded in Volume 6, Page 70 of the Map Records of Harris County, Texas, designated on said map or plat

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RECORDER'S MEMORANDUM:
This instrument is of poor quality and not satisfactory for photographic recordation; and/or alterations were present at the time of filming.

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as a playground, terrace, reserve, park, beach or bath house (hereinafter "Subject Property"). Certain parts of the Subject Property are described by the taxing entities as set forth on Exhibit "A", and appraised market values thereof are attached hereto and incorporated herein by reference for all purposes.

3. Certain of the property at issue in this action lying beneath the waters of Galveston Bay consists of State-owned submerged lands. Exclusive title in and to the submerged lands beneath Galveston Bay included in the property at issue in this lawsuit is vested in the State of Texas, for the use and benefit of its Permanent School Fund. In this lawsuit the boundary of the State's property underneath the waters of Galveston Bay is such littoral boundary of Galveston Bay as may be located on the ground from time to time. Said boundary is defined by the laws of the Republic of Mexico in effect on December 10, 1832, which is the date of the original Mexican land grant for the W. P. Harris League, A-30, in Harris County, Texas. The grant for the W. P. Harris League, under which other parties to this lawsuit claim title, is adjacent to and abuts the State-owned submerged lands at issue in this lawsuit. In the disputed area in this lawsuit, the boundary of Galveston Bay approximates the elevation of mean higher high water.

4. For the purpose of this litigation and this litigation only, as of February 11, 1991, the boundary of Galveston Bay was

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defined by the line of mean higher high water of Galveston Bay, which is the shoreline boundary of the El Jardin-Bayshore Addition. This boundary of Galveston Bay is reflected on a plat entitled "Plat Showing Portion of El Jardin Bayshore Addition Adjoining Galveston Bay Out of the W. P. Harris League, A-30, Harris County, Texas" (hereinafter "Plat"), such plat prepared by D. D. Shine and dated February 11, 1991, which plat and accompanying survey report is on file among the papers of this cause as part of the evidence.

5. The City of Pasadena, Texas is the owner in fee simple, effective December 31, 1986 of the 1.017 acre Tract 4, the 2.038 acre Tract 2, and the 2.155 acre "Reserve 'A'" tract shown on the Plat, and as referenced in paragraph No. 2 herein and on Exhibit "A" attached hereto and incorporated herein, and each tract being further described by metes and bounds attached hereto and incorporated herein for all purposes by this reference as Exhibits "C-1", "C-2", and "C-3" respectively, but only for public park purposes. Those defendants in this action represented by either John W. Wheat or David H. Brown having previously tendered deeds to such tracts to the City of Pasadena, Texas will execute and deliver confirmation deeds with special warranty of title to the City of Pasadena, Texas conveying title thereto, effective for all purposes as of December 31, 1986. By entry of this Judgment all other parties shall be divested of any title in said tracts in favor of the City of Pasadena, Texas.

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6. Except for changes in the State's boundary as described in Paragraphs 3 and 4 as may occur from time to time, all parties to this action, other than the City of Pasadena, Texas, possess no right, title, or interest in the property described in Paragraph 5 above.

7. SAVE AND EXCEPT the property described in paragraphs 3, 4 and 5 above and the stipulations made herein with the State of Texas, with respect to all those other areas of the Subject Property in EL JARDIN, BAYSHORE ADDITION, a subdivision in Harris County, Texas according to the map or plat thereof recorded in Volume 6, Page 70 of the Map Records of Harris County, Texas, designated on said map or plat as a play ground, terrace, reserve, park, beach or bath house, said areas remain in dispute between the following parties:

- 1) EL JARDIN COMMUNITY ASSOCIATION, f.k.a. EL JARDIN PROPERTY OWNERS ASSOCIATION, a Texas Corporation;
- 2) MARY LOUISE KENNEDY WEIGE;
- 3) MARY LYNN KENNEDY;
- 4) CAROLYN MAY KENNEDY;
- 5) DONNA MAE KENNEDY STORMS LeBHERZ;
- 6) W. D. ("WILLIAM DONALD")KENNEDY, JR.; and

All said remaining areas of the Subject Property (save and except the property described in paragraphs 3, 4 and 5 above)

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which were not tendered to the City of Pasadena, Texas, effective December 31, 1986 remain in dispute between the said parties.

No stipulation or agreement between the said parties with respect to the tracts of land tendered to the CITY OF PASADENA, TEXAS effective December 31, 1986 and which is herein confirmed by this declaratory judgment shall be considered an admission by any party or construed as a finding of fact and/or conclusion of law by the Court in this judgment as to the said remaining areas in dispute in EL JARDIN, BAYSHORE ADDITION.

8. State of Texas-Harris County shall recover on behalf of itself and the jurisdictions for which the Harris County Tax Collector collects of and from the City of Pasadena, Texas and the City of Pasadena, Texas, agrees to pay on or before December 31, 1991, the sum of \$14,204.41, representing a full satisfaction of all ad valorem taxes, penalties, interest, attorney's fees and court costs on the Subject Property, for the years 1968 through 1990, inclusive; to wit:

V6459 P0442

	RESERVE	RESERVE	TRACT	TRACT	TRACT	TRACT
	'A'	'B'	1	2	4	5
	(2.155 acres)		(2.038 acres)		(1.017 acres)	
Base Tax	\$2,618.95	\$0	\$0	\$2,711.95	\$1,531.26	\$0
Penalty &						
Interest	\$2,278.98	\$0	\$0	\$1,939.27	\$1,258.21	\$0
Attorney's						
Fee	\$ 734.69	\$0	\$0	\$ 697.68	\$ 418.42	\$0
Total Due	\$5,632.62	\$0	\$0	\$5,348.90	\$3,207.89	\$0

Which represents taxes, penalties and interest, and reasonable attorneys fees pursuant to Texas Property Code Ann, §33.48 and taxes, penalties, interest and attorney fees and costs for all other years on subject property are barred by the statute of limitations contained in the Texas Property Tax Code Sec. 33.05.

9. Clear Creek Independent School District shall recover of and from The City of Pasadena, Texas and the City of Pasadena, Texas agrees to pay on or before December 31, 1991 the sum of \$33,376.44 in full satisfaction of all ad valorem taxes, penalties and interest, attorney's fees and court costs

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on the Subject Property, for the years 1968 through 1990, inclusive and taxes, penalties, interest and attorney fees for all other years on the subject property are barred by the statute of limitations contained in the Texas Property Tax Code Sec. 33.05.

10. The City of Houston having taken a non-suit herein shall take nothing on its claim for ad valorem taxes, penalties, interest and attorney fees on the Subject Property and such are barred for all years by the statute of limitations contained in the Texas Property Tax Code, Sec. 33.05.

11. That all issues, controversies, claims or other matters addressed in this judgment have been tried by the consent of the parties.

12. That all parties waive any and all rights to appeal this judgment or the findings included herein.

13. The City of Pasadena, Texas shall timely forward a certified copy of this Judgment to the Harris County Appraisal District for the purpose of changing the appraisal records of the Subject Property at issue to conform to this Judgment as to property description ownership by the State of Texas and City of Pasadena, Texas as indicated.

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14. Other than the relief granted herein, all the parties to this action shall take nothing from any other party to this action. All relief of whatever kind or character, expressed or implied, raised or which could have been raised by the pleadings of this cause, which has not been expressly granted hereinabove is expressly denied.

The parties requested the Court to enter judgment consistent with the stipulations and agreements of the parties.

A jury having been waived, the case proceeded to trial before the Court and evidence was addressed by all parties. At the conclusion of the evidence, all parties rested and submitted the case to the Court for consideration.

The Court, after hearing and considering the pleadings, the stipulations and agreements of the parties, the evidence and the arguments of counsel, was of the opinion and finds and concludes: 1) that it has jurisdiction of the parties and the real property which is the subject matter of this suit; 2) that the parties to this suit have stipulated and agreed to the matters set forth in items 1 through 14; and 3) that the matters set forth in items 1 through 14 are consistent with and supported by the evidence presented to the Court, and, as such, are findings of facts and/or conclusions of law of this court in addition to being stipulations between the parties. The Court

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further finds and concludes that all parties before this Court have waived any right to object to the foregoing stipulations, agreements, findings of fact and/or conclusions of law by failing to so object or to assert same on the record at the time of trial.

IT IS ACCORDINGLY ORDERED, ADJUDGED, DECLARED AND DECREED that the CITY OF PASADENA is the owner in fee simple, of the 1.017 acre Tract 4; the 2.038 acre Tract 2 and the 2.155 acre "Reserve 'A'" tract shown on the Plat and also referenced herein at paragraph No. 2 and on Exhibit "A" attached hereto and incorporated herein for all purposes, but only for public park purposes, which tracts are better described by metes and bounds attached hereto as Exhibits "C-1", "C-2" and "C-3" respectively and incorporated herein for all purposes. Those defendants in this cause represented by either John W. Wheat or David H. Brown shall execute confirmation deeds by special warranty, granting subject property to City of Pasadena, Texas conveying title thereto. By entry of this Judgment all other parties are divested of any title in said tracts in favor of the City of Pasadena, Texas.

Certain of the property at issue in this action lying beneath the waters of Galveston Bay consists of State-owned submerged lands. Exclusive title in and to the submerged lands beneath Galveston Bay included in the property at issue in this

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lawsuit is vested in the State of Texas, for the use and benefit of its Permanent School Fund. In this lawsuit the boundary of the State's property underneath the waters of Galveston Bay is such littoral boundary of Galveston Bay, as may be located on the ground from time to time. Said boundary is defined by the laws of the Republic of Mexico in effect on December 10, 1832, which is the date of the original Mexican land grant for the W. P. Harris League, A-30, in Harris County, Texas. The grant for the W. P. Harris League, under which other parties to this lawsuit claim title, is adjacent to and abuts the State-owned submerged lands at issue in this lawsuit. In the disputed area in this lawsuit, the boundary of Galveston Bay approximates the elevation of mean higher high water.

For the purpose of this litigation and this litigation only, as of February 11, 1991, the boundary of Galveston Bay was defined by the line of mean higher high water of Galveston Bay, which is the shoreline boundary of the El Jardin-Bayshore Addition. This boundary of Galveston Bay is reflected on a plat entitled "Plat Showing Portion of El Jardin-Bayshore Addition Adjoining Galveston Bay Out of the W. P. Harris League, A-30, Harris County, Texas" (hereinafter "Plat"), such plat prepared by D. D. Shine and dated February 11, 1991, which plat and accompanying survey report is on file among the papers of this case as part of the evidence.

V6459 P0447

State of Texas-Harris County shall recover on behalf of itself and the jurisdictions for which the Harris County Tax Collector collects of and from the City of Pasadena, Texas and the City of Pasadena, Texas agrees to pay on or before December 31, 1991, the sum of \$14,204.41, representing all the money to which State of Texas-Harris County is rightfully entitled by virtue of its claims for ad valorem taxes and representing a full satisfaction of all ad valorem taxes, penalties, interest, attorney's fees and court costs for the years 1968 through 1990 inclusive on the subject property, to wit:

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	RESERVE 'A'	RESERVE 'B'	TRACT 1	TRACT 2	TRACT 4	TRACT 5
	(2.155 acres)			(2.038 acres)	(1.017 acres)	
Base Tax	\$2,618.95	00	00	\$2,711.95	\$1,531.26	00
Penalty &						
Interest	\$2,278.98	00	00	\$1,939.27	\$1,258.21	00
Attorney's						
Fees	\$ 734.69	00	00	\$ 697.68	\$ 418.42	00
Total Due	\$5,632.62	00	00	\$5,348.90	\$3,207.89	00

Which represents taxes, penalties and interest, reasonable attorneys fees and costs pursuant to Texas Property Code Ann. §33.48 and taxes,

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RECORDER'S MEMORANDUM:
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penalties, interest, attorney fees and costs for all other years on the subject property are barred by the statute of limitations contained in the Texas Property Tax Code, Sec. 33.05 and hereafter such property as vested in the City of Pasadena, Texas is exempt from ad valorem taxation.

That CLEAR CREEK INDEPENDENT SCHOOL DISTRICT have and recover judgment against City of Pasadena, Texas and the City of Pasadena, Texas agrees to pay on or before December 31, 1991 the sum of \$33,376.44, representing all the money to which CLEAR CREEK INDEPENDENT SCHOOL DISTRICT is rightfully entitled by virtue of its claims for ad valorem taxes against the Subject Property and representing a full satisfaction of all ad valorem taxes, penalties, interest, attorney fees and court costs on the Subject Property for the years 1968 through 1990, inclusive and taxes, penalties, interest, attorney fees and costs for all other years are barred by the statutes of limitations contained in the Texas Property Tax Code, Sec. 33.05 and hereafter such property as vested in the City of Pasadena, Texas is exempt from ad valorem taxation.

That the City of Houston shall take nothing by its claim for ad valorem taxes on Subject Property and same are hereby barred by the statute of limitations as contained in Vernon's Texas Codes Annotated, Tax Code §33.05.

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all money judgments shall bear interest at the rate of 10% per annum from January 1, 1992 until paid; that costs are taxed against the party incurring same, except as otherwise provided; and that all writs and processes as may be necessary in the enforcement and collection of this judgment issue in the event that the money judgments are not promptly paid.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all relief not specifically granted herein be and hereby is denied and that this judgment is final and non-appealable on the date hereof.

SIGNED this 26th day of December, 1991.

Dorothea B. Zennaro
JUDGE PRESIDING

DELANGE, HUDSPETH AND PITMAN

By:

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Association

V6459 P0450

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Weige, Et al

MIKE DRISCOLL - 99999940
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V6459 P0451

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[Signature]

Attorney for Clear Creek
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Attorney for the City of Houston

V6459 P0452

RECORDERS MEMORANDUM:
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present at the time of filming.

RECORDERS MEMORANDUM:
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 present at the time of filing.

City of Pasadena Acct. No. and Legal Description	Clear Creek ISD Acct. No. and Legal Description	Harris County Acct. No. and Legal Description	Acres Remaining	Total Amount Due for Taxes, Penalty & Interest and Costs		
				Clear Creek ISD	Harris County	City of Pasadena
19650-000140 Reserve "A" El Jardin 11.380 Acres	170-6540* Reserve "I" El Jardin 10 Acres	0570990000001 Reserve "A" El Jardin 11.380 Acres	2.155 Acres	\$ 3,825.80	\$ 5,632.62	\$ 9,031.56
19650-000280 Reserve "B" El Jardin 0.86 Acre	170-6500 Reserve "C" El Jardin 0.539 Acres	0570990000029 Reserve "B" El Jardin 0.86 Acre	Underwater	- 0 -	- 0 -	- 0 -
19650-000700 Tract 1 El Jardin 1.12 Acres	170-6540*	0570990000031 Tract 1 El Jardin 1.1199 Acres	Underwater	- 0 -	- 0 -	- 0 -
19650-000840 Tract 2 El Jardin 3.270 Acres	170-6401 Reserve "B" El Jardin 2.024 Acres	0570990000002 Tract 2 El Jardin 3.270 Acres	2.038 Acres	20,555.96	5,348.90	9,108.54
19650-001760 Tract 4 El Jardin 1.920 Acres	170-6460 Reserve "E" El Jardin 1.922 Acres	0570990000004 Tract 4 El Jardin 1.9200 Acres	1.017 Acres	8,994.68	3,222.89	2,430.15
19650-001900 Reserve 5 El Jardin 0.76 Acre	170-6520 Reserve "M" El Jardin 1.073 Acres	0570990000005 Reserve 5 El Jardin 0.7600 Acre	Underwater	- 0 -	- 0 -	- 0 -
TOTAL AMOUNT DUE FOR TAXES, PENALTY, INTEREST AND OTHER COSTS FOR DECEMBER, 1991				\$33,376.44	\$14,204.41	\$20,570.25

Exhibit "A"
 Page 1 of 2

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Harris Co. Sk.F. 101

RECORDERS MEMORANDUM
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 recordation; and/or alterations were
 present at the time of filming.

<u>City of Pasadena Acct. No. and Legal Description</u>	<u>Clear Creek ISD Acct. No. and Legal Description</u>	<u>Harris County Acct. No. and Legal Description</u>	<u>Acres Remaining</u>	<u>Price Per Acre</u>	<u>Appraised Value</u>
19650-000140 Reserve "A" El Jardin 11.380 Acres	170-6540* Reserve "I" El Jardin 10 Acres	0570990000001 Reserve "A" El Jardin 11.380 Acres	0.34 Acre	\$24,525.00	\$ 52,570.00
19650-000280 Reserve "B" El Jardin 0.86 Acre	170-6500 Reserve "G" El Jardin 0.539 Acres	0570990000029 Reserve "B" El Jardin 0.86 Acre	Underwater	- 0 -	- 0 -
19650-000700 Tract 1 El Jardin 1.12 Acres	170-6540*	0570990000031 Tract 1 El Jardin 1.1199 Acres	Underwater	- 0 -	- 0 -
19650-000840 Tract 2 El Jardin 3.270 Acres	170-6401 Reserve "B" El Jardin 2.024 Acres	0570990000002 Tract 2 El Jardin 3.270 Acres	2.038 Acres	\$32,477.00	66,190.00
19650-001760 Tract 4 El Jardin 1.920 Acres	170-6460 Reserve "E" El Jardin 1.922 Acres	0570990000004 Tract 4 El Jardin 1.9200 Acres	1.017 Acres	\$32,187.50	32,735.00
19650-001900 Reserve 5 El Jardin 0.76 Acre	170-6520 Reserve "H" El Jardin 0.703 Acres	0570990000005 Reserve 5 El Jardin 0.7600 Acre	Underwater	- 0 -	- 0 -
TOTAL APPRAISED VALUE FOR ALL REMAINING PROPERTY					\$152,495.00

Exhibit "A"
 Page 2 of 2

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County 25890

Shine & Associates

REGISTERED SURVEYORS TEXAS AND LOUISIANA
D. D. SHINE, RPS, LSLB, RLS
T. M. JUMPER, RPS

V6459 P0455

STATE OF TEXAS §

COUNTY OF HARRIS §

Field notes describing 5.480 acres of land in three tracts out of the El Jardin Bayshore Addition, a part of the W. P. Harris League, Abstract 30, Harris County, Texas. Said El Jardin Bayshore Addition plat is recorded in Volume 6, Page 70, of the Map Records of Harris County, Texas. The three tracts described in the following meter and bounds are the remainder of the tracts designated as reserve or beach areas on the recorded plat.

All the horizontal control is referred to the Texas Plane Coordinate System, Lambert Projection, South Central Zone. All bearings, distances, and acreages are grid. The theta correction at the 3/4" iron pipe at the northwest corner of Lot 17 is +01' 58' 01" and the scale factor is 0.9998739. The origin of control is at the 3/4" iron pipe at the northwest corner of Lot 17, Block 1 and ~~the axle at fence corner~~ at the northeast corner of Lot 1, Block 1, Second Section as shown on the resurvey plat of El Jardin Del Mar by Milton R. Hanks, R.P.L.S. No. 1514, dated July-August 1972.

Tract I containing 2.155 Acres:

BEGINNING at an axle at the northeast corner of Lot 1, Block 1, Second Section, same being the northwest corner of the 2.155 acre reserve at a bend in the south line of Youpon Drive. Said axle has a State Plane Coordinate value of Y=663,144.480 and X=3,275,145.962.

THENCE S 59° 13' 59" E along and with the south line of Youpon Drive 71.96 feet to a point on Galveston Bay at the point of mean higher high water as determined by me on February 11, 1991.

Note: All meander points are on mean higher high water.

As per Judgment C-1, C-2, C-3

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THENCE with the meanders of Galveston Bay as follows:

- S 38° 53' 35" W 46.06 feet
- S 19° 42' 58" E 15.02 feet
- S 60° 25' 26" W 14.35 feet
- N 70° 09' 29" W 21.86 feet
- S 38° 42' 38" W 37.02 feet
- S 32° 25' 22" E 48.89 feet
- S 52° 30' 28" W 66.99 feet
- N 63° 44' 55" W 30.87 feet
- S 59° 56' 57" W 33.29 feet
- S 45° 47' 26" E 31.24 feet
- S 53° 30' 15" W 20.09 feet
- S 14° 14' 48" W 10.38 feet
- S 39° 58' 14" E 21.28 feet
- S 32° 54' 22" W 39.65 feet
- N 89° 32' 19" W 20.92 feet
- S 31° 38' 26" W 11.42 feet
- S 47° 04' 50" E 9.98 feet
- S 36° 36' 38" W 48.44 feet
- N 81° 31' 59" W 21.16 feet
- S 17° 30' 58" W 16.03 feet
- S 45° 48' 54" E 16.99 feet
- S 40° 00' 55" W 21.09 feet
- N 64° 13' 02" W 21.07 feet
- S 06° 42' 16" E 16.21 feet
- S 34° 20' 35" E 25.84 feet
- S 40° 27' 00" W 53.04 feet
- N 87° 04' 48" W 40.33 feet
- S 19° 48' 55" W 51.94 feet
- S 43° 40' 12" E 37.45 feet
- S 31° 22' 26" W 94.93 feet
- S 50° 00' 11" E 35.39 feet
- S 24° 31' 33" W 46.40 feet
- S 40° 38' 42" E 97.90 feet
- S 28° 29' 52" E 102.23 feet

S 64° 35' 55" E 61.19 feet to a point in the south line of the said El Jardin Addition.

THENCE S 85° 35' 43" W along and with the south line of the said El Jardin Addition at 56.93 feet pass an 1/2" iron rod and continuing S 85° 35' 43" W a total distance of 414.34 feet to an axle at an old fence corner at the southwest corner of the said 2.155 acre reserve tract.

THENCE N 30° 50' 14" E 1048.08 feet to the PLACE OF BEGINNING, containing 2.155 acres of land.

TRACT II containing 2.308 Acres:
Second Tract being 2.308 acres of land being bounded on the south by Youpon Drive, on the west by Palm Street, on the north by El Jardin Drive, and on the east by Galveston Bay.

RECORDER'S MEMORANDUM:
This instrument is of poor quality and not satisfactory for photographic recordation; and/or alterations were present at the time of filming.

counter 25892

V6459 P0457

BEGINNING at a 1/2" iron rod found in the south line of El Jardin Drive with State Plane Coordinates of Y=663,332.092 and X=3,275,371.887.

THENCE S 58° 59' 04" E along and with the south line of said El Jardin Drive 170.89 feet to a point on Galveston Bay at the point of mean higher high water as determined by me on February 11, 1991.

THENCE with the meanders of Galveston Bay as follows:

S 56° 14' 09" W	36.67 feet
S 23° 32' 40" W	117.08 feet
S 48° 18' 05" E	15.28 feet
S 31° 57' 01" W	3.07 feet
S 67° 57' 48" W	25.19 feet
N 85° 10' 21" W	20.01 feet
N 46° 21' 42" W	100.35 feet

S 41° 05' 28" W 50.07 feet to a point in the north line of Youpon Drive.

THENCE N 59° 13' 59" W along and with the north line of said Youpon Drive 162.63 feet to an angle point in Youpon Drive.

THENCE continuing with the north line of said Youpon Drive S 87° 04' 39" W 201.67 feet to a point with its intersection with the east line of Palm Street.

THENCE N 31° 00' 59" E along and with the east line of Palm Street 325.06 feet to its intersection with south line of El Jardin Drive.

THENCE S 58° 59' 04" E along and with the south line of said El Jardin Drive 284.82 feet to the PLACE OF BEGINNING, containing 2.308 acres of land.

TRACT III containing 1.017 acres:

BEGINNING at the point the south line of Park Drive intersects Galveston Bay. Said beginning point is at mean higher high water determined by me on February 11, 1991, and has a State Plane Coordinate value of Y=663,650.665 and X=3,275,831.538.

THENCE with the meanders of Galveston Bay as follows:

S 35° 44' 20" W	3.72 feet
S 43° 05' 31" W	284.24 feet
S 16° 14' 27" W	124.56 feet
S 42° 20' 07" E	131.80 feet

to a point on the north line of El Jardin Drive.

RECORDER'S MEMORANDUM:
This instrument is of poor quality and not satisfactory for photographic recodation; and/or alterations were present at the time of filming.

Harris Co. Sk. F. 101

Counter 25893

THENCE N 58° 59' 04" W along and with the north line of El Jardin Drive 303.56 feet.

THENCE N 50° 17' 35" E 472.05 feet to a point in the south line of Park Drive.

THENCE S 52° 23' 38" E along and with the south line of Park Drive 49.78 feet to the PLACE OF BEGINNING, containing 1.017 acres.

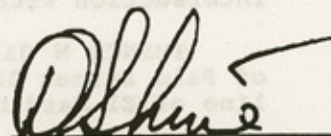
TRACT I	2.155 Acres
TRACT II	2.308 Acres
TRACT III	1.017 Acres

TOTAL 5.480 Acres

Surveyed February 11, 1991.

I, D. D. Shine, Registered Professional Land Surveyor Number 502 and Licensed State Land Surveyor in the State of Texas, do hereby certify that the above field notes reflect an actual survey made by me on the ground and according to law; that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing field notes just as I found them on the ground.

Given under my hand and seal this 10th day of December, 1991.



D. D. Shine
Licensed State Land Surveyor
R. P. L. S. No. 502

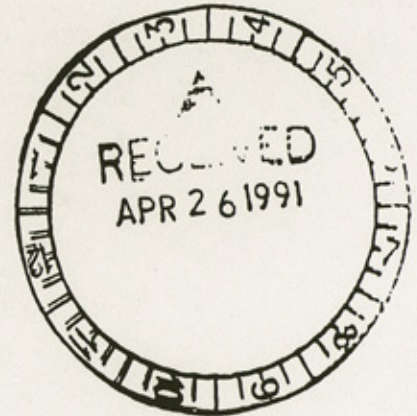
V6459 P0458

RECORDERS MEMORANDUM:
This instrument is of poor quality and not satisfactory for photographic recordation; and/or alterations were present at the time of filming.

Counter 25894

Shine & Associates

REGISTERED SURVEYORS TEXAS AND LOUISIANA
D. D. SHINE, RPS, LSLs, RLS
T. M. JUMPER, RPS



April 24, 1991

City of Pasadena
P. O. Box 672
Pasadena, Texas 77501
ATT: Mr. Lee Clark, City Attorney

RE: Coastal Boundaries
El Jardin Bayshore Addition
W. P. Harris League, A-30, Harris County, Texas

Dear Mr. Clark:

This report and accompanying plat dated 2/11/91 will describe the survey work I performed for the City of Pasadena regarding the line of Mean Higher High Water (MHHW) of Galveston Bay as it defines the shore line boundary of El Jardin Bayshore Addition. We were also requested by Mr. David Brown to determine to what extent the line of MHHW has changed since 1968.

El Jardin Addition is a part of the W. P. Harris League of land bordering Galveston Bay. W. P. Harris received title to said league from the Mexican state on December 10, 1832. The court held in *Humble Oil & Refining Co. v. Sun Oil Co.*, 90 F 2d 191, in construing grants issued by King of Spain and Mexican state before adoption of common law in Texas, boundary between sea and upland must be determined in accordance with principles announced in *Las Siete Partidas*, the basic law of Spain and Mexico, which defines "shore" as all ground covered with water at high tide during the whole year, whether in winter or in summer.

In a later decision the Texas Supreme Court in *Luttes v. State*, 324 SW 2d 167, 159 Tex. 500, on remand 328 SW 2d 920, found that the shore line boundary of common law grants was different from the shore line boundary in civil law grants. These boundary lines under *Luttes* are: Civil law (grants made by Spain or Mexico) - the line of mean

Harris Co. SK. F. 101

counter 25895

DEFENDANT'S
EXHIBIT
City #1

higher high tide (water) MHHW as distinguished from the line of mean high tide (water) MHW of common law grants. (Grants made by the Republic or State of Texas.) These datums (MHHW/MHW) are determined by tide gauge readings adjusted to nineteen year values (Luttet supra). Luttet acknowledges that the method promulgated in that case is not infallible when the court said:

If it be shown in a given case that the upper level of the shore, as actually covered and uncovered by the sea, is higher (or lower) than the level of mean higher high tide as determined by tide gauges, and if it also appears that an upper median line of the shore, as actually so regularly covered and uncovered, can be determined with reasonable accuracy otherwise than by exclusive resort to tide gauges, we do not by our opinion intend to foreclose such a case.

While there is some controversy over the application of the shore line boundaries promulgated by Luttet on some of the Texas shores, I am of the opinion that a shore line survey in accordance with the principles announced in *Las Siete Partidas* or those in Luttet along the shore line of El Jardin would generally be synonymous. Therefore, I have chosen to use the tide gauge method from Luttet because this data is readily obtainable in a shorter period of time.

The tide is the alternating rise and fall in sea level produced by the gravitational force of the moon and the sun. Other non-astronomical factors, such as meteorological forces, ocean floor topography and coast line configuration, also play an important role in shaping the tide (National Ocean Survey 1976). A tidal datum, such as MHHW, is usually considered to be the average of all occurrences of a certain tidal extreme for a period of nineteen years. Such a period is called a tidal epoch. (Water Boundaries, George Cole.)

Tidal datums are a local phenomenon because of the various local conditions shaping the tides. There can be considerable differences in the elevation of a tidal datum from point to point in even the same general vicinity. Because of the local variation in the elevation of tidal datums, it is obvious that datums would have to be determined in the immediate vicinity of the subject shore line boundary. It is equally obvious that it would be impractical to do so if nineteen years of observations are necessary at each desired datum point. Fortunately, methods have been developed for correcting short term observations to the equivalent of a nineteen year mean. The most satisfactory method to achieve this is by simultaneous observations at the desired point and at a control station for which nineteen year mean values are known. The length of time necessary for tidal observations in the local area would depend upon the proximity of a nineteen year control station. This time frame could range from a few weeks to a year or more.

We were fortunate that El Jardin was in the general proximity of the National Ocean Service Tide Gauge "Pier 21" in Galveston. This tide gauge has been in operation since early 1900.

In cooperation with the Blucher Institute of C.C.S.U., we installed an Aqua/Trac Gauge on the City of Seabrook's pier in their Pine Gully Park approximately 1/2 mile south of El Jardin. This highly sophisticated gauge recorded water levels in six minute intervals from October 10, 1990, to November 3, 1990. Using the known nineteen year and simultaneous values of the Galveston gauge, a MHHW datum was determined at the Pine Gully Gauge.

The tide gauge value for MHHW was then related by my survey to the National Geodetic Vertical Datum of 1929 (NGVD 1929). Benchmarks F-170 and V-1204 (1987 values) were used as the origin for the vertical datum. We determined the NGVD elevation for MHHW to be 1.07 feet (1987 value).

The NGVD 1929 datum was derived for surveys from a general adjustment of the first-order leveling nets of the United States and Canada. In the adjustment, Mean Sea Level was held fixed as observed at twenty-one tide stations in the United States and five in Canada. This geodetic datum is fixed and does not take into account the changing stands of sea level. Because there are many variables affecting sea level, and because the geodetic datum represents a best fit over a broad area, the relationship between the geodetic datum and local Mean Sea Level is not consistent from one location to another in either time or space. For this reason, the National Geodetic Vertical Datum should not be confused with Mean Sea Level.

According to research by the Harris-Galveston Coastal Subsidence District, the El Jardin vicinity has subsided between five and six feet since 1936. Due to subsidence and the gentle slope of the shore, El Jardin has experienced severe shore line retreat resulting in considerable loss of acreage since the Addition was filed of record in 1924.

In order to determine the amount of subsidence and relate the rate of subsidence to certain time periods, I used seven benchmarks in the general area of El Jardin. (See attached Exhibits A through E.) These exhibits show successive NGVD elevations on each B.M., the change in feet between re-levelings, the average change per year and total subsidence of each B.M. since the original leveling. Exhibit F is a summary of all benchmarks.

The data collected from the tide gauge in Galveston revealed the sea level has risen an average of 0.01 feet per year since the 1960 to 1978 tidal epoch. This means the NGVD value for MHHW in 1968 was 0.85 feet. (Our value today is 1.07 feet.)

Our subsidence studies found El Jardin had subsided 2.70 feet since 1968. Working in reverse from the 1968 MHHW value, the elevation (NGVD) on February 11, 1991, of the 1968 shore line (MHHW) is a negative 1.85 feet, ie.:

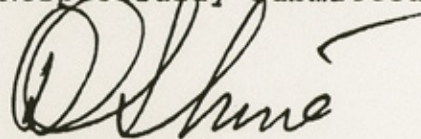
+0.85' = 1968 MHHW (NGVD)

-2.70' = Amount of subsidence since 1968

-1.85' = Today's NGVD value of 1968 shore line

The enclosed plat depicts our survey of the shore line of El Jardin at the line of MHHW on February 11, 1991. We also surveyed the 1968 shore line which is shown with the acreage between the two shore lines. I surveyed the edge of shelf which is probably in the close proximity of the original El Jardin shore line.

Respectfully submitted,



D. D. Shine

Licensed State Land Surveyor

DDS:nf

Attachments

cc: Mr. David Brown

Ms. Priscilla Hubenak

EXHIBIT A

F-170 - 2 MILES WEST EL JARDIN

YEAR	ELEVATION	DIFFERENCE	YEARS BETWEEN RE-LEVELING	AVG. CHANGE PER YEAR
1936	17.684			
1953	16.444	1.240	17	0.0729
1958	15.997	0.447	5	0.0894
1964	15.400	0.597	6	0.0995
1973	13.373	2.027	9	0.2252
1978	12.288	1.085	5	0.2170
1983	12.069	0.219	5	0.0438
1987	11.839	0.230	4	0.0575
TOTAL		5.845	51	0.1146

Harris Co. Sh. F. 101

Counter 25877

EXHIBIT B

SYLVAN RM 1 - 3.5 MILES NORTHWEST EL JARDIN

YEAR	ELEVATION	DIFFERENCE	YEARS BETWEEN RE-LEVELING	AVG. CHANGE PER YEAR
1953	16.165			
1958	15.568	0.597	5	0.1194
1964	14.885	0.683	6	0.1138
1973	12.779	2.106	9	0.2340
1978	11.813	0.966	5	0.1932
1987	11.566	0.247	9	0.0274
TOTAL		4.599	34	0.1353

EXHIBIT C

SYLVAN RM 2 - 3.5 MILES NORTHWEST EL JARDIN

YEAR	ELEVATION	DIFFERENCE	YEARS BETWEEN RE-LEVELING	AVG. CHANGE PER YEAR
1953	16.401			
1958	15.761	0.640	5	0.1280
1964	15.085	0.676	6	0.1127
1973	12.966	2.119	9	0.2354
1978	12.005	0.961	5	0.1922
1987	11.828	0.177	9	0.0197
TOTAL		4.573	34	0.1345

Harris Co. Sk. F. 101

Counter 25901

EXHIBIT D

V-1204 - 2 MILES WEST NORTHWEST EL JARDIN

YEAR	ELEVATION	DIFFERENCE	YEARS BETWEEN RE-LEVELING	AVG. CHANGE PER YEAR
1973	11.184			
		0.897	5	0.1794
1978	10.287			
		0.199	5	0.0398
1983	10.088			
		0.230	4	0.0575
1987	9.858			
TOTAL		1.326	14	0.0947

F-1205 - 1.6 MILES NORTHWEST EL JARDIN

YEAR	ELEVATION	DIFFERENCE	YEARS BETWEEN RE-LEVELING	AVG. CHANGE PER YEAR
1973	4.436			
		0.793	5	0.1586
1978	3.643			
		0.260	9	0.0289
1987	3.383			
TOTAL		1.053	14	0.0752

L-1201 - 2.6 MILES NORTHWEST EL JARDIN

YEAR	ELEVATION	DIFFERENCE	YEARS BETWEEN RE-LEVELING	AVG. CHANGE PER YEAR
1973	9.295			
		0.973	5	0.1946
1978	8.322			
		0.127	5	0.0254
1983	8.195			
		0.148	4	0.0370
1987	8.047			
TOTAL		1.248	14	0.0891

Harris Co.
S.K. F. 101

Counter 25902

EXHIBIT E

C-170 - 3 MILES SOUTHWEST EL JARDIN

YEAR	ELEVATION	DIFFERENCE	YEARS BETWEEN RE-LEVELING	AVG. CHANGE PER YEAR
1936	5.718			
1953	4.777	0.941	17	0.0554
1958	4.436	0.341	5	0.0682
1964	4.026	0.410	6	0.0683
1973	2.336	1.690	9	0.1878
1978	1.386	0.950	5	0.1900
1987	0.871	0.515	9	0.0572
TOTAL		4.847	51	0.0950

Harris Co Sk. F. 101

Counter 25903

EXHIBIT F

SUBSIDENCE

BENCHMARK	36-53 17 yrs	53-58 5 yrs	58-64 6 yrs	64-73 9 yrs	73-78 5 yrs	78-83 5 yrs	78-87 9 yrs
C-170	0.941 0.0554	0.341 0.0682	0.410 0.0683	1.690 0.1878	0.950 0.1900		0.515** 0.0572*
F-170	1.240 0.0729	0.447 0.0894	0.597 0.0995	2.027 0.2252	1.085 0.2170	0.219 0.0438	0.449 0.0499
SYLVAN RM1		0.597 0.1194	0.683 0.1138	2.106 0.2340	0.966 0.1932		0.247 0.0274
SYLVAN RM2		0.640 0.1280	0.676 0.1127	2.119 0.2354	0.961 0.1922		0.177 0.0197
V-1204					0.897 0.1794	0.199 0.398	0.429 0.0477
F-1205					0.793 0.1586		0.260 0.0289
L-1201					0.973 0.1946	0.127 0.0254	0.275 0.0306
TOTAL AVG	1.091 <u>0.0641</u>	0.506 <u>0.1013</u>	0.592 <u>0.0986</u>	1.986 <u>0.2206</u>	0.946 <u>0.1893</u>	0.182 <u>0.0363</u>	0.336 <u>0.0373</u>

**SUBSIDENCE

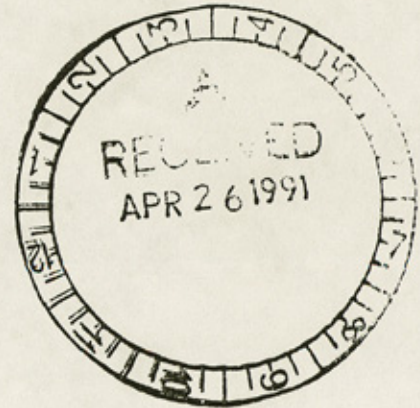
* PER YEAR

Harris Co. Sk F. 101

counter 25904

Shine & Associates

REGISTERED SURVEYORS TEXAS AND LOUISIANA
D. D. SHINE, RPS, LSLs, RLS
T. M. JUMPER, RPS



File No. Sketch File **COPY** 101
El Jardin Judgment Harris County
Filed Apr 1 19 92
By GARRY MAURO, Com'r
Douglas Howard

April 24, 1991

City of Pasadena
P. O. Box 672
Pasadena, Texas 77501
ATT: Mr. Lee Clark, City Attorney

RE: Coastal Boundaries
El Jardin Bayshore Addition
W. P. Harris League, A-30, Harris County, Texas

Dear Mr. Clark:

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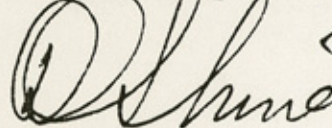
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-2.70' = Amount of subsidence since 1968

-1.85' = Today's NGVD value of 1968 shore line

The enclosed plat depicts our survey of the shore line of El Jardin at the line of MHHW on February 11, 1991. We also surveyed the 1968 shore line which is shown with the acreage between the two shore lines. I surveyed the edge of shelf which is probably in the close proximity of the original El Jardin shore line.

Respectfully submitted,



D. D. Shine

Licensed State Land Surveyor

DDS:nf

Attachments

cc: Mr. David Brown

Ms. Priscilla Hubenak

EXHIBIT A

F-170 - 2 MILES WEST EL JARDIN

YEAR	ELEVATION	DIFFERENCE	YEARS BETWEEN RE-LEVELING	AVG. CHANGE PER YEAR
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1983	12.069	0.219	5	0.0438
1987	11.839	0.230	4	0.0575
TOTAL		5.845	51	0.1146

EXHIBIT B

SYLVAN RM 1 - 3.5 MILES NORTHWEST EL JARDIN

YEAR	ELEVATION	DIFFERENCE	YEARS BETWEEN RE-LEVELING	AVG. CHANGE PER YEAR
1953	16.165			
		0.597	5	0.1194
1958	15.568			
		0.683	6	0.1138
1964	14.885			
		2.106	9	0.2340
1973	12.779			
		0.966	5	0.1932
1978	11.813			
		0.247	9	0.0274
1987	11.566			
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EXHIBIT C

SYLVAN RM 2 - 3.5 MILES NORTHWEST EL JARDIN

YEAR	ELEVATION	DIFFERENCE	YEARS BETWEEN RE-LEVELING	AVG. CHANGE PER YEAR
1953	16.401			
		0.640	5	0.1280
1958	15.761			
		0.676	6	0.1127
1964	15.085			
		2.119	9	0.2354
1973	12.966			
		0.961	5	0.1922
1978	12.005			
		0.177	9	0.0197
1987	11.828			
TOTAL		4.573	34	0.1345

EXHIBIT D

V-1204 - 2 MILES WEST NORTHWEST EL JARDIN

YEAR	ELEVATION	DIFFERENCE	YEARS BETWEEN RE-LEVELING	AVG. CHANGE PER YEAR
1973	11.184			
		0.897	5	0.1794
1978	10.287			
		0.199	5	0.0398
1983	10.088			
		0.230	4	0.0575
1987	9.858			
TOTAL		1.326	14	0.0947

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YEAR	ELEVATION	DIFFERENCE	YEARS BETWEEN RE-LEVELING	AVG. CHANGE PER YEAR
1973	4.436			
		0.793	5	0.1586
1978	3.643			
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TOTAL		1.053	14	0.0752

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1973	9.295			
		0.973	5	0.1946
1978	8.322			
		0.127	5	0.0254
1983	8.195			
		0.148	4	0.0370
1987	8.047			
TOTAL		1.248	14	0.0891

EXHIBIT E

C-170 - 3 MILES SOUTHWEST EL JARDIN

YEAR	ELEVATION	DIFFERENCE	YEARS BETWEEN RE-LEVELING	AVG. CHANGE PER YEAR
1936	5.718			
		0.941	17	0.0554
1953	4.777			
		0.341	5	0.0682
1958	4.436			
		0.410	6	0.0683
1964	4.026			
		1.690	9	0.1878
1973	2.336			
		0.950	5	0.1900
1978	1.386			
		0.515	9	0.0572
1987	0.871			
TOTAL		4.847	51	0.0950

EXHIBIT F

SUBSIDENCE

BENCHMARK	36-53 17 yrs	53-58 5 yrs	58-64 6 yrs	64-73 9 yrs	73-78 5 yrs	78-83 5 yrs	78-87 9 yrs
C-170	0.941 0.0554	0.341 0.0682	0.410 0.0683	1.690 0.1878	0.950 0.1900		0.515** 0.0572*
F-170	1.240 0.0729	0.447 0.0894	0.597 0.0995	2.027 0.2252	1.085 0.2170	0.219 0.0438	0.449 0.0499
SYLVAN RM1		0.597 0.1194	0.683 0.1138	2.106 0.2340	0.966 0.1932		0.247 0.0274
SYLVAN RM2		0.640 0.1280	0.676 0.1127	2.119 0.2354	0.961 0.1922		0.177 0.0197
V-1204					0.897 0.1794	0.199 0.398	0.429 0.0477
F-1205					0.793 0.1586		0.260 0.0289
L-1201					0.973 0.1946	0.127 0.0254	0.275 0.0306
TOTAL AVG	1.091 <u>0.0641</u>	0.506 <u>0.1013</u>	0.592 <u>0.0986</u>	1.986 <u>0.2206</u>	0.946 <u>0.1893</u>	0.182 <u>0.0363</u>	0.336 <u>0.0373</u>

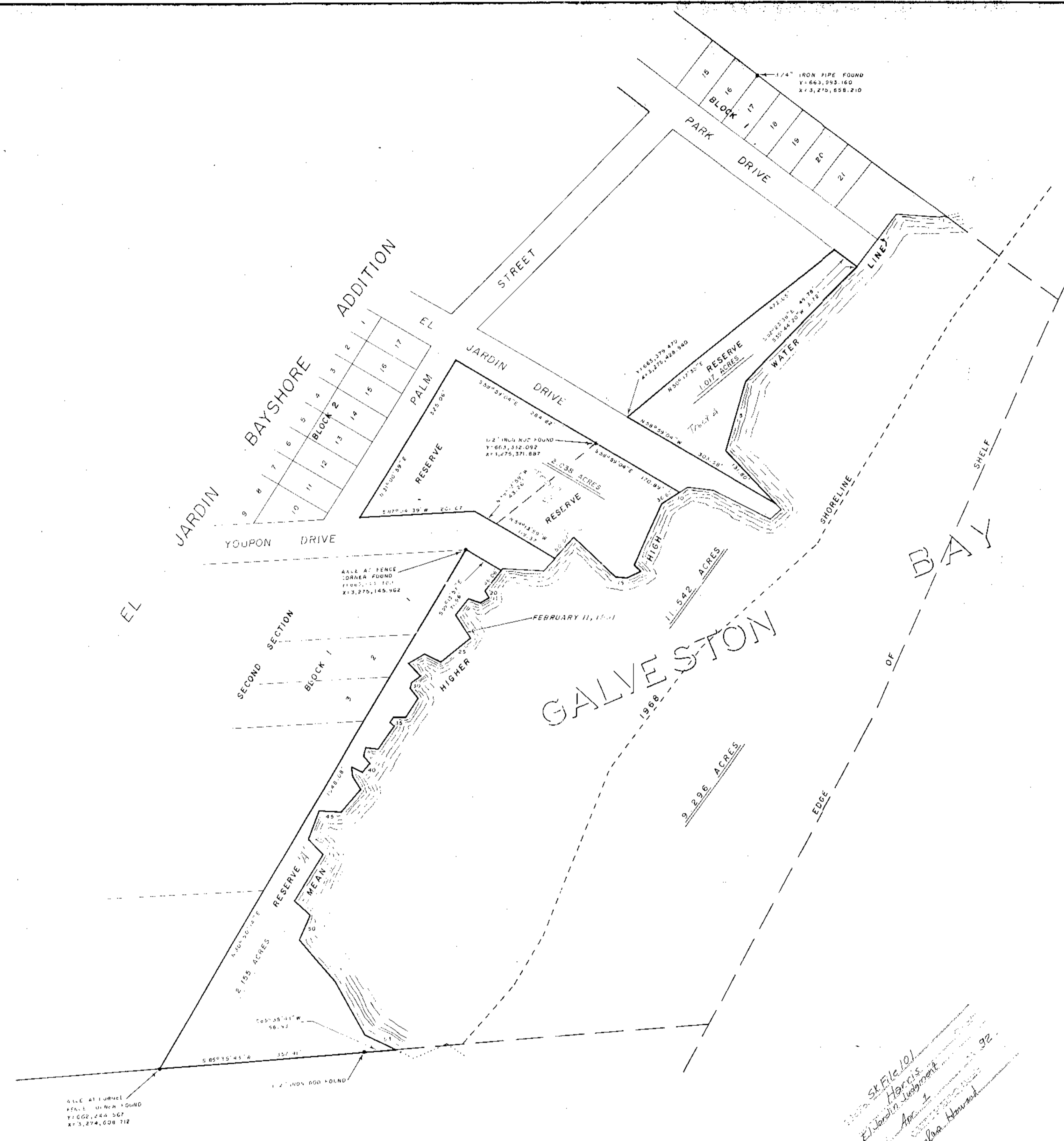
**SUBSIDENCE

* PER YEAR

PLAT SHOWING
 PORTION OF
 EL JARDIN
 BAYSHORE ADDITION
 ADJOINING
 GALVESTON BAY
 OUT OF THE
 W. P. HARRIS LEAGUE A-30
 HARRIS COUNTY, TEXAS
 SURVEYED BY SHINE AND ASSOCIATES
 FEBRUARY 11, 1991 MWG

ALL MEANDER POINTS ARE ON MEAN HIGHER HIGH WATER

1.	S 77°16'23" W	8.49'
2.	N 88°06'24" W	75.06'
3.	S 18°44'18" W	121.41'
4.	S 43°00'31" W	284.24'
5.	S 12°14'27" W	274.38'
6.	S 42°20'07" E	141.84'
7.	S 43°06'42" W	25.23'
8.	N 62°21'11" W	115.23'
9.	N 84°04'48" W	43.87'
10.	S 36°14'05" W	83.63'
11.	S 28°52'42" W	117.08'
12.	S 44°11'05" E	15.29'
13.	S 81°51'01" W	3.07'
14.	S 61°57'48" W	45.19'
15.	N 42°10'25" W	20.61'
16.	N 43°21'42" W	102.35'
17.	S 41°05'26" W	78.00'
18.	N 66°07'34" W	72.60'
19.	S 18°51'50" W	50.81'
20.	S 14°42'58" E	10.02'
21.	N 62°30'30" W	14.25'
22.	N 72°04'29" W	21.86'
23.	S 32°42'38" W	37.03'
24.	S 22°22'22" E	48.89'
25.	S 22°30'28" W	86.75'
26.	N 61°41'55" W	30.87'
27.	S 55°56'37" W	33.29'
28.	S 45°47'26" E	31.24'
29.	S 23°10'15" W	20.05'
30.	S 14°14'48" W	10.38'
31.	S 33°58'14" W	21.28'
32.	S 30°54'20" W	19.62'
33.	N 89°32'15" W	20.92'
34.	S 31°35'26" W	11.42'
35.	S 42°04'00" E	9.98'
36.	S 36°36'19" W	48.44'
37.	N 41°31'53" W	21.10'
38.	S 17°08'28" W	16.05'
39.	S 45°48'04" E	16.59'
40.	S 42°00'55" W	21.03'
41.	N 64°13'02" W	41.07'
42.	S 62°42'16" E	10.21'
43.	S 12°12'15" E	53.04'
44.	S 40°27'40" W	53.04'
45.	N 67°04'48" W	40.33'
46.	S 14°44'30" W	31.34'
47.	S 43°40'12" E	37.45'
48.	S 31°22'26" W	04.23'
49.	S 12°01'11" E	15.31'
50.	S 24°51'33" W	46.40'
51.	S 40°18'42" W	97.93'
52.	S 28°22'52" E	140.43'
53.	S 64°35'55" E	67.19'



NOTE:
 ALL THE HORIZONTAL CONTROL IS REFERRED TO THE TEXAS PLANE COORDINATE SYSTEM, LAMBERT PROJECTION, SOUTH CENTRAL ZONE. ALL BEARINGS, DISTANCES, AND ACREAGES ARE GRID. THE THETA CORRECTION AT THE 3/4" IRON PIPE AT THE NW/C OF LOT 17 IS $\theta = +01^{\circ}58'01''$ AND THE SCALE FACTOR IS 0.9998739.
 THE ORIGIN OF CONTROL IS AT THE 3/4" IRON PIPE AT THE NW/C OF LOT 17, BLOCK 1 AND THE AXLE AT FENCE CORNER AT THE NE/C OF LOT 1, BLOCK 1, SECOND SECTION AS SHOWN ON THE RESURVEY PLAT OF EL JARDIN DEL MAR BY MILTON R. HANKS, RPS NO. 1514, DATED JULY-AUGUST, 1972.

STATE OF TEXAS
 COUNTY OF HARRIS
 I, D. D. SHINE, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 502 AND LICENSED STATE LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE ABOVE PLAT REFLECTS AN ACTUAL SURVEY MADE BY ME ON THE GROUND AND ACCORDING TO LAW, THAT THE LIMITS, BOUNDARIES, AND CORNERS, WITH THE MARKS, NATURAL AND ARTIFICIAL, ARE TRULY DESCRIBED ON THE FOREGOING PLAT JUST AS I FOUND THEM ON THE GROUND.
 GIVEN UNDER MY HAND AND SEAL THIS FEBRUARY 11, 1991.

Handwritten signature and notes:
 See ST File 101
 El Jardin Bayshore
 Date: 2/11/91
 by Douglas Howard



Handwritten signature: D. D. Shine
 D. D. SHINE
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 502
 LICENSED STATE LAND SURVEYOR

NOTE:
 MHHW ELEVATION IS 1.07' (NGVD 1929)
 BASED ON NGS BM F-170 ELEVATION 11.839' (1987 VALUE)

